



**US Army Corps
of Engineers**
Louisville District ®

Public Notice

Public Notice No.
LRL-2007-1363-mad

Open Date:
6 Jan 2017

Close Date:
6 Feb 2017

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Mr. Matt Dennis, CELRL-RDS, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6689

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act:

APPLICANT: Michael L. McInnis
HenderSun Energy, LLC
4350 Brownsboro Road, Suite 110
Louisville, Kentucky 40207

LOCATION: Left Descending Bank Green River Mile 32.3,
Henderson County, Kentucky

Latitude: 37.730556
Longitude: -87.394444
7.5 Minute Quad: Delaware

PURPOSE: Construct a barge unloading facility and modify
the location and design of currently permitted
water intake and discharge structures and
attendant features.

DESCRIPTION OF WORK: In order to provide access for large facility
structures and building equipment to the site a barge unloading
facility is required.

Construction of the barge unloading facility would require the
excavation of 5,800 cubic yards of dredged material below the Ordinary
High Water Mark (OHWM) elevation of 359.4 of the Green River. Dredged
material would be discharged in the uplands for beneficial use in the
construction of the currently permitted natural gas combined-cycle
generating facility. A total of 0.44 acre below the OHWM of the Green
River would be disturbed by the construction, with 26 cubic yards of
fill material including riprap, stone, and road base being discharged
over approximately 0.12 acres.

The proposed unloading configuration as seen in the attached drawing
CK003 would include a 250 feet long x 54 feet wide barge with a 73
feet long by 30 feet wide tug. The maximum riverward projection at
the normal pool elevation of 349 of the configuration would be 182
feet, which would be 34 feet from the sailing line.

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The location of the proposed barge unloading facility would conflict with the currently permitted location of the unconstructed water discharge facility on the site. The applicant has proposed to relocate the proposed location of the water discharge facility to an adjacent area to avoid the conflict. Redesign on the water intake structure would include the addition of debris deflectors consisting of eight 18 inch diameter piles with a top elevation of 347.75 to protect the intake structure. Additional changes to the design of the pump station were proposed due to the Geotech boring indicating bedrock existing at a different elevation than anticipated requiring the base of the still well and intake pipe to be raised.

AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: All proposed impacts are located in areas that have been previously surveyed for aquatic resources, threatened and endangered species, and cultural and historic resources. The project was designed to avoid and minimize impacts to these resources to the maximum extent practicable. The size of the facility structures to be were determined by the applicant to be too large to transport on existing road infrastructure. The Corps will make a determination of appropriate mitigation, upon review of all submitted information.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied. A DA permit, if otherwise warranted, will not be issued until a State of Kentucky Water Quality Certification or waiver is on file at this office. In order to comply with Section 401 of the Clean Water Act, the applicant must apply for State certification from the Kentucky Energy and Environment Cabinet Division of Water (KDOW).

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. The applicant completed a mussel survey dated August 2007 on the proposed impact area during evaluation of the original permit. No threatened or endangered species of mussels were found during the survey, a finding that was reviewed by the U.S. Fish and Wildlife Service in a September 2008 letter. As a protective measure to avoid impacts to federally listed bat species, the applicant has agreed to only clear trees between October 15 and March 31. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines (40 CFR Part 230) promulgated by the Administrator, United States Environmental Protection Agency, under authority of Section 404(b) of the CWA.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed project. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue

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or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. Drawings are available on Louisville District's Internet site at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. All comments regarding this proposal should be addressed to Mr. Matt Dennis, CELRL-RDS at the address noted above and should refer to the Public Notice Number LRL-2007-1363-mad.

If you desire to submit your comments by email, you must comply with the following:

a) In the subject line of your email, type in **ONLY** the Public Notice ID No. LRL-2007-1363-mad.

Example:

Subject: LRL-2007-1363-mad

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with your email, you must send a hard copy (CD or paper) to the Corps' physical address as well.

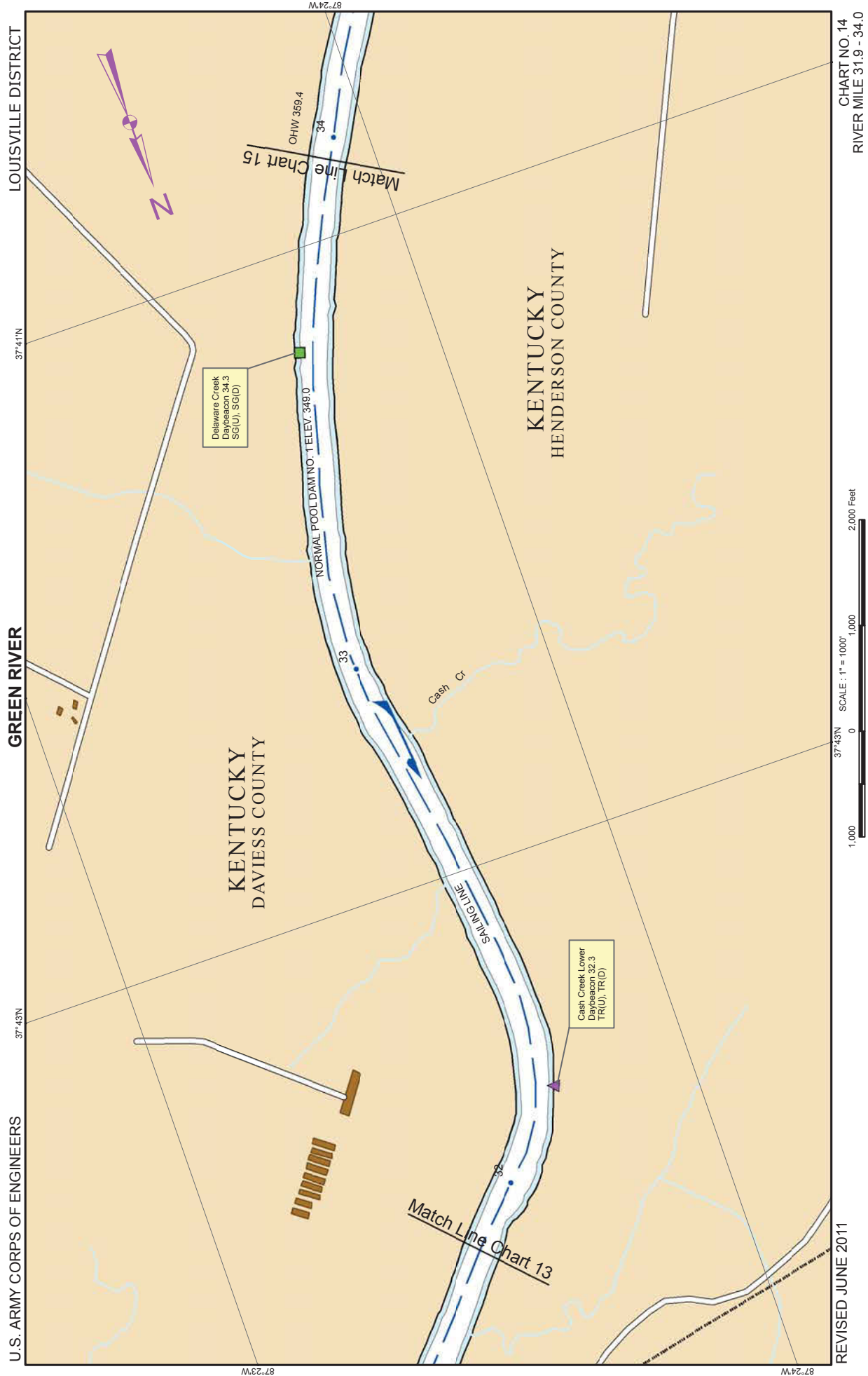
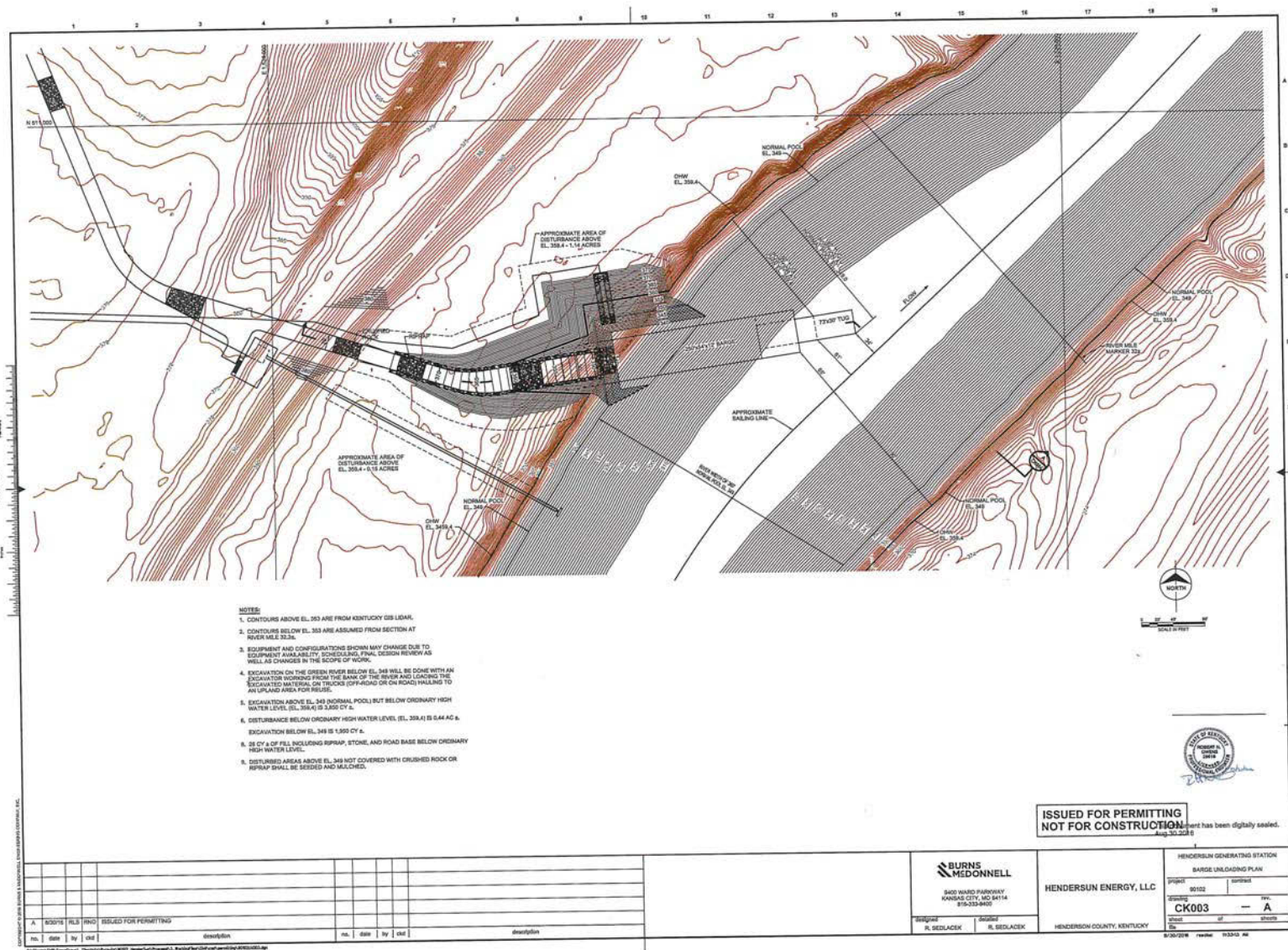
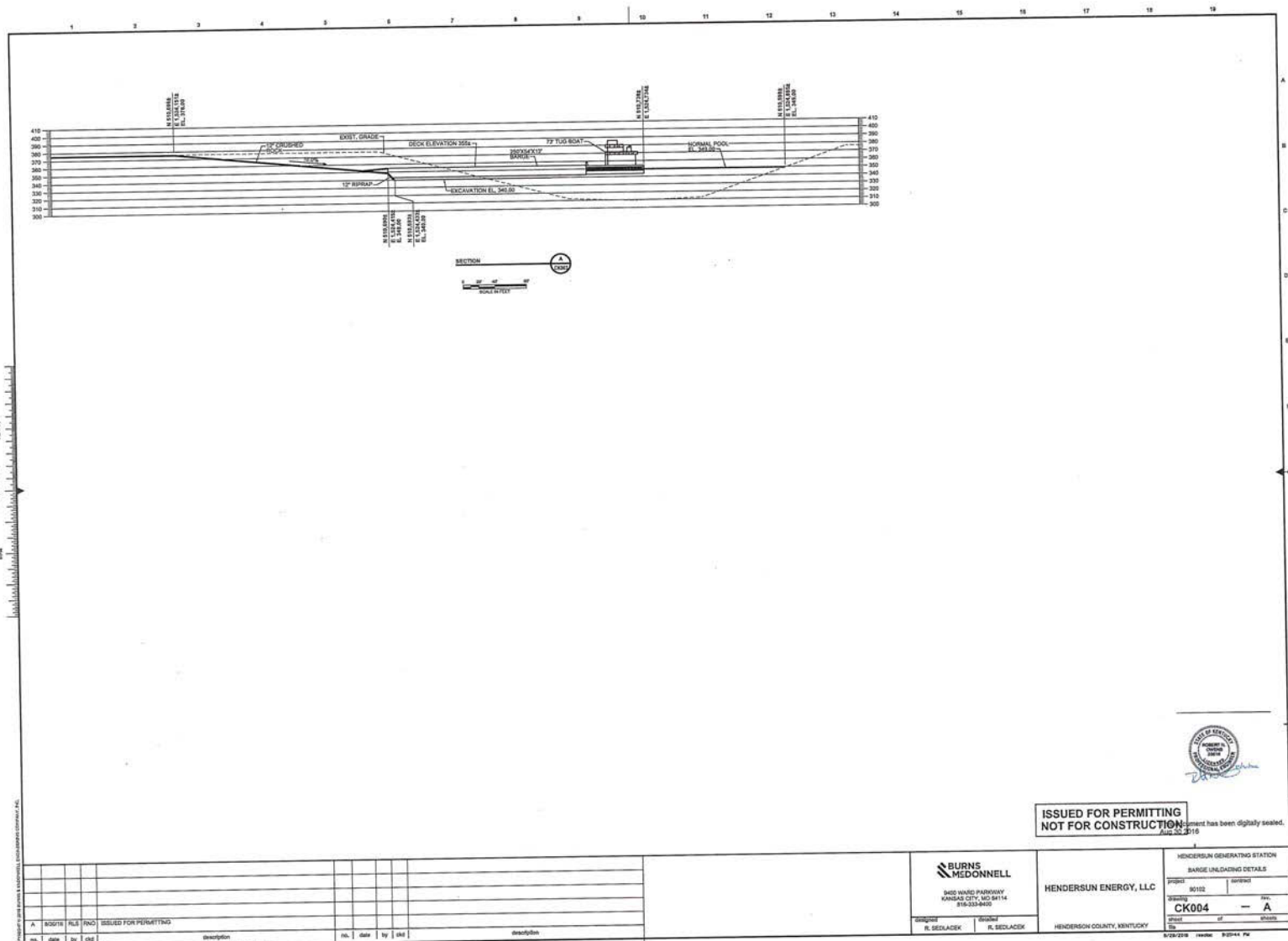


CHART NO. 14
RIVER MILE 31.9 - 34.0

REVISED JUNE 2011





ISSUED FOR PERMITTING
NOT FOR CONSTRUCTION
This document has been digitally sealed.
Aug 22, 2016

no.	date	by	description
A	8/22/16	RLS	ISSUED FOR PERMITTING

**BURNS
MEDONNELL**
3405 WARD PARKWAY
KANSAS CITY, MO 64114
816-533-8400

HENDERSUN ENERGY, LLC
HENDERSON COUNTY, KENTUCKY

HENDERSUN GENERATING STATION
BARGE UNLOADING DETAILS
Project: 80102
Drawing: CK004
Sheet: 1 of 1
Scale: AS SHOWN

